

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|--|---|-----------------------------------|
| In re: PHARMACEUTICAL |) | |
| INDUSTRY AVERAGE WHOLESALE |) | |
| PRICE LITIGATION |) | MDL No. 1456 |
| _____ |) | Master Case No. 01-12257-PBS |
| |) | |
| THIS DOCUMENT RELATES TO: |) | |
| |) | Subcategory Case No. 06-11337-PBS |
| <i>United States of America ex rel. Ven-a-</i> |) | |
| <i>Care of the Florida Keys, Inc., et al. v.</i> |) | Hon. Patti B. Saris |
| <i>Dey, Inc., et al., Civil Action No. 05-</i> |) | |
| 11084-PBS |) | |

**UNITED STATES' ASSENTED-TO MOTION FOR LEAVE
TO FILE REPLY MEMORANDUM IN SUPPORT OF EXPEDITED MOTION
TO STRIKE DEY'S EXHIBIT AND WITNESS LISTS**

The United States respectfully moves for leave to file the accompanying three-page Reply Memorandum In Support of its Motion to Strike Dey's Exhibit and Witness Lists. In support of this motion, plaintiffs state that the arguments presented by Dey in its opposition warrant a response and that plaintiffs believe the further argument in the attached brief memorandum will assist the Court in resolution of the issues presented. The proposed reply memorandum is attached as Exhibit 1.

WHEREFORE, plaintiffs ask that the Court allow this motion and grant leave to file the Reply.

Respectfully submitted,

TONY WEST
ASSISTANT ATTORNEY GENERAL

CARMEN M. ORTIZ
UNITED STATES ATTORNEY

/s/ Laurie A. Oberembt
Joyce R. Branda
Daniel R. Anderson
Laurie A. Oberembt
Civil Division
Commercial Litigation Branch
P. O. Box 261
Ben Franklin Station
Washington, D.C. 20044
(202) 514-3345

By: /s/ George B. Henderson, II
George B. Henderson, II
Barbara Healy Smith
James J. Fauci
Assistant U.S. Attorneys
United States Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3272

FOR THE RELATOR,

James J. Breen
Allison Warren Simon
The Breen Law Firm, P.A.
5755 Northpoint Parkway, Suite 260
Alpharetta, GA 30022
Tel. (770) 740-000

Gary Azorsky, Esq.
Susan Schneider Thomas, Esq.
Berger & Montague, P.C.
1622 Locust St.
Philadelphia, PA 19103
(215) 875-3090

CERTIFICATION

The undersigned certifies that counsel have conferred pursuant to LR 7.1(A)(2), and that counsel for the Dey defendants assent to this motion.

/s/ George B. Henderson, II
George B. Henderson, II

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above document to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

April 19, 2010

/s/ George B. Henderson, II